

AMENDED IN ASSEMBLY JUNE 17, 2002

**SENATE BILL**

**No. 1618**

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**Introduced by Senator Kuehl**  
(Coauthor: Assembly Member Alquist)

February 21, 2002

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An act to amend, *repeal, and add* Sections 26840.7 and 26840.8 of the Government Code, and to amend, *repeal, and add* Section 18305 of the Welfare and Institutions Code, relating to domestic violence, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, as amended, Kuehl. Domestic violence: marriage license fees.

Existing law requires the collection of a fee in addition to the basic fee for the issuance of a marriage license and for the issuance of an authorization for the performance of marriages without a license, in the amount of \$23, for funding of domestic violence centers, to be disposed of by the county clerk under specified provisions, including a requirement that \$4 be used, to the extent feasible, to develop and expand domestic violence centers to target underserved areas and populations.

This bill, *until July 1, 2006*, would increase the fee required to be collected for domestic violence centers to \$33 and would require \$6 of that amount to be allocated to develop and expand domestic violence centers to target underserved areas and populations to the extent feasible. This bill would increase a state tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of  $\frac{2}{3}$  of the membership of each

house of the Legislature. By providing for the expenditure of state tax revenue, this bill would make an appropriation.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 26840.7 of the Government Code is  
2 amended to read:

3 26840.7. (a) In addition to the fee prescribed by Section  
4 26840 and as authorized by Section 26840.3, the county clerk shall  
5 collect a fee of thirty-three dollars (\$33) at the time of issuance of  
6 the license. The fee shall be disposed of by the county clerk  
7 pursuant to Chapter 5 (commencing with Section 18290) of Part  
8 6 of Division 9 of the Welfare and Institutions Code. Of this  
9 amount, six dollars (\$6) shall be used, to the extent feasible, to  
10 develop or expand domestic violence centers to target underserved  
11 areas and populations.

12 (b) *This section shall become inoperative on July 1, 2006, and,*  
13 *as of January 1, 2007, is repealed, unless a later enacted statute,*  
14 *that is enacted before January 1, 2007, deletes or extends the dates*  
15 *on which it becomes inoperative and is repealed.*

16 SEC. 2. Section 26840.7 is added to the Government Code, to  
17 read:

18 26840.7. (a) *In addition to the fee prescribed by Section*  
19 *26840 and as authorized by Section 26840.3, the county clerk shall*  
20 *collect a fee of twenty-three dollars (\$23) at the time of issuance*  
21 *of the license. The fee shall be disposed of by the county clerk*  
22 *pursuant to Chapter 5 (commencing with Section 18290) of Part*  
23 *6 of Division 9 of the Welfare and Institutions Code. Of this*  
24 *amount, four dollars (\$4) shall be used, to the extent feasible, to*  
25 *develop or expand domestic violence centers to target underserved*  
26 *areas and populations.*

27 (b) *This section shall become operative on July 1, 2006.*

28 SEC. 3. Section 26840.8 of the Government Code is amended  
29 to read:

30 26840.8. (a) In addition to the fee prescribed by Section  
31 26840.1 and as authorized by Section 26840.3, the person issuing  
32 an authorization for the performance of a marriage pursuant to Part  
33 4 (commencing with Section 500) of Division 3 of the Family



Code or the county clerk, upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect a fee of thirty-three dollars (\$33) at the time of providing the authorization. The fee shall be disposed of pursuant to Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code. Of this amount, six dollars (\$6) shall be used, to the extent feasible, to develop or expand domestic violence centers to target underserved areas and populations.

*(b) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.*

~~SEC. 3.—~~

SEC. 4. Section 26840.8 is added to the Government Code, to read:

26840.8. (a) In addition to the fee prescribed by Section 26840.1 and as authorized by Section 26840.3, the person issuing an authorization for the performance of a marriage pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code or the county clerk, upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect a fee of twenty-three dollars (\$23) at the time of providing the authorization. The fee shall be disposed of pursuant to Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code. Of this amount, four dollars (\$4) shall be used, to the extent feasible, to develop or expand domestic violence centers to target underserved areas and populations.

*(b) This section shall become operative on July 1, 2006.*

SEC. 5. Section 18305 of the Welfare and Institutions Code is amended to read:

18305. (a) At the time of issuance of a marriage license pursuant to Section 26840 of the Government Code, thirty-three dollars (\$33) of each fee paid shall be collected by the county clerk for deposit into the county domestic violence programs special fund. The fees collected in this special fund shall be disbursed to approved programs on a yearly or more frequent basis commencing July 1, 1980.

The

1     **(b)** *The board of supervisors shall direct the county clerk to*  
2 *deposit thirty-three dollars (\$33) of each fee into the county*  
3 *domestic violence programs special fund. The county domestic*  
4 *violence programs special fund shall fund programs established*  
5 *pursuant to Section 18304. Six dollars (\$6) of each thirty-three*  
6 *dollars (\$33) deposited into the county domestic violence*  
7 *programs special fund shall be used, to the extent feasible, to*  
8 *develop or expand domestic violence centers to target underserved*  
9 *areas and populations. No more than 8 percent of the funds shall*  
10 *be expended for the administrative costs associated with the*  
11 *collection and segregation of the additional marriage license fees,*  
12 *administration of the county domestic violence programs special*  
13 *fund, monitoring of the programs, and meeting the other*  
14 *administrative requirements imposed by this chapter. Counties*  
15 *that do not participate in the establishing or funding of domestic*  
16 *violence programs pursuant to this chapter shall be entitled to*  
17 *retain up to 4 percent of the funds for the administrative costs*  
18 *associated with the collection and segregation of the additional*  
19 *marriage license fees and the deposit of these fees in the county*  
20 *domestic violence programs special fund.*

21     **(c)** *This section shall become inoperative on July 1, 2006, and,*  
22 *as of January 1, 2007, is repealed, unless a later enacted statute,*  
23 *that is enacted before January 1, 2007, deletes or extends the dates*  
24 *on which it becomes inoperative and is repealed.*

25     **SEC. 6.** *Section 18305 is added to the Welfare and Institutions*  
26 *Code, to read:*

27     **18305.** *(a) At the time of issuance of a marriage license*  
28 *pursuant to Section 26840 of the Government Code, twenty-three*  
29 *dollars (\$23) of each fee paid shall be collected by the county clerk*  
30 *for deposit into the county domestic violence programs special*  
31 *fund. The fees collected in this special fund shall be disbursed to*  
32 *approved programs on a yearly or more frequent basis*  
33 *commencing July 1, 1980.*

34     **(b)** *The board of supervisors shall direct the county clerk to*  
35 *deposit twenty-three dollars (\$23) of each fee into the county*  
36 *domestic violence programs special fund. The county domestic*  
37 *violence programs special fund shall fund programs established*  
38 *pursuant to Section 18304. Four dollars (\$4) of each twenty-three*  
39 *dollars (\$23) deposited into the county domestic violence*  
40 *programs special fund shall be used, to the extent feasible, to*

1 *develop or expand domestic violence centers to target underserved*  
2 *areas and populations. No more than 8 percent of the funds shall*  
3 *be expended for the administrative costs associated with the*  
4 *collection and segregation of the additional marriage license fees,*  
5 *administration of the county domestic violence programs special*  
6 *fund, monitoring of the programs, and meeting the other*  
7 *administrative requirements imposed by this chapter. Counties*  
8 *that do not participate in the establishing or funding of domestic*  
9 *violence programs pursuant to this chapter shall be entitled to*  
10 *retain up to 4 percent of the funds for the administrative costs*  
11 *associated with the collection and segregation of the additional*  
12 *marriage license fees and the deposit of these fees in the county*  
13 *domestic violence programs special fund.*  
14 *(c) This section shall become operative on July 1, 2006.*

